

Attorney Docket No. 24827A

REMARKS

Favorable reconsideration of this application in light of the preceding amendments and the following remarks is respectfully requested.

No claims having been amended, cancelled or added, the Applicants respectfully submit that claims 1-22 remain properly under consideration in this application.

Rejections Under 35 U.S.C. §§ 102 and 103

Claims 1-8 and 10-21 stand rejected under 35 U.S.C. § 102(a) as anticipated by, or under 35 U.S.C. § 103(a) as unpatentable over WO 00/48957 ("WO '957"). The Applicants respectfully traverse this rejection for the reasons detailed below.

Initially, the Applicants also respectfully note that, contrary to the Examiner's contention, no "FINAL" Office Action has been received in this Application. Action at 2. The Applicants, therefore, understand this reference as relating back to the Office Action dated April 1, 2003, specifically the reasons for rejection bridging pages 4 and 5. If this understanding incorrect, the Applicants respectfully request clarification as to the "reason" referenced by the Examiner so that they have a full and fair opportunity to address this rejection.

The Examiner contends that the "consisting essentially of" language of claims 1 and 9 still encompasses compositions disclosed in WO '957, Action at 2, apparently because the reference incorporates "saturated lubricants" rather than "unsaturated lubricants." The Applicants respectfully notes that while the exemplary lubricants disclosed in WO '957 may be saturated, the disclosure is not so limited and it is clear that the sizing composition disclosed in WO '957 does include an operative amount of one or more cationic lubricants. WO '957, page 4, lines 14-15. Thus, claims that

exclude the presence of a functional concentration of a lubricant cannot be anticipated or obviated by a reference that explicitly *includes* a lubricant, whether or not the lubricant is "saturated."

The Applicants further note that the cited portion of the Specification identifies the oxidation of unsaturated lubricants as one of several possible causes of discoloration, Specification at 4-5, and does not redefine the term "lubricant" in the manner apparently suggested by the Examiner.

The Applicants, therefore, respectfully request that this rejection be reconsidered and withdrawn.

Claims 14 and 15 stand rejected under 35 U.S.C. § 102(a) as anticipated by, or under 35 U.S.C. § 103(a) as unpatentable over Arpin et al.'s U.S. Patent No. 5,242,969 ("Arpin"). The Applicants respectfully traverse this rejection for the reasons detailed below.

The Applicants again respectfully note that, contrary to the Examiner's contention, no "FINAL" Office Action has been received in this Application. Action at 3. The Applicants, therefore, understand this reference as apparently relating back to the Office Action dated April 1, 2003, although it is unclear precisely which portion of the previous Office Action is being referenced due to the fact that claims 14 and 15 were not separately addressed. The Applicants, therefore, respectfully request clarification as to which "reason given in the final rejection" the Examiner is referring so that they have a full and fair opportunity to address this rejection.

The Applicants also respectfully confess some confusion regarding the Examiner's contention that "applicant does claim a coated fiber and a composite thereof," in the absence of any argument by the Applicant's to the contrary. In any

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event, the Applicants respectfully withdraw any portion of the remarks presented in the Applicants' previous response to the extent that such remarks may be interpreted as disavowing the plain language of claims 14 and 15.

With respect to the sufficiency of the disclosure provided in Arpin to anticipate or obviate the present invention, the Applicants respectfully maintain that Arpin does not teach or suggest a sizing composition that comprises about 35–70% by weight of a grafted polyolefin as recited in claim 1, a method of manufacturing a substantially non-discoloring reinforcing fiber material that comprises preparing a sizing composition that includes about 35–75% by weight of a grafted polyolefin emulsion as recited in claim 16, or a method of making a fiber-reinforced composite having minimal discoloration that comprises applying a sizing composition that includes about 35–70% by weight of a grafted polyolefin as claimed in claim 18.

Even assuming, *arguendo*, that Arpin discloses an emulsion that contains at least one polyolefin (*e.g.*, a grafted polyolefin), an acid material (*e.g.*, saturated fatty acids), a base, an optional emulsifying agent, Abstract and column 3, lines 4 – 62, the disclosed compositions do not approach the specific composition recited in the present claims. Indeed, as previously noted, a preferred application of the emulsion according to Arpin is in a finish composition that can include coupling agents such as silanes (*see, e.g.*, column 4, lines 25–30) and from 2–15% by weight of the emulsion, *e.g.*, 2 – 15 % of an emulsion that contains at least one polyolefin, an acid material, a base, and optionally an emulsifying agent. (*See, e.g.*, column 4, lines 36 – 39).

Because Arpin's finish composition contains only from 2–15% by weight of the emulsion and because Arpin provides no teaching or suggestion that the finish composition contains any grafted polyolefins other than those present in minor portion of the emulsion, the finish composition simply does not teach or suggest the

required "about 35–70% by weight of a grafted polyolefin emulsion." The Applicants further contend that no support or teaching has been identified within Arpin that would lead one of ordinary skill in the art to *more than double the maximum concentration* present in Arpin's preferred finishing composition. Therefore, the Applicants respectfully maintain that Arpin cannot fairly be said to teach or suggest the claimed sizing compositions, claim 1, or the methods that incorporate such a sizing composition, claims 16 and 18. Accordingly, Applicants respectfully maintain that submit that each and every element of amended independent claims 1, 16, and 18 are not disclosed or fairly suggested within Arpin. As such, the Applicants respectfully contend that Arpin is not a valid anticipatory reference and cannot serve as the basis for a legitimate rejection under 35 U.S.C. § 103(a).

The Applicants, therefore, respectfully request that this rejection be reconsidered and withdrawn.

Indication of Allowable Subject Matter

The Applicants note with appreciation the Examiner's indication that claims 9 and 22 would be allowable if rewritten in independent form. However, for the reasons detailed above, the Applicants respectfully maintain that each of the pending independent claims, and each of the claims that depend therefrom, are properly allowable over the applied prior art references.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections have been addressed and overcome, leaving the present application in condition for allowance. A Notice to that effect is respectfully requested.

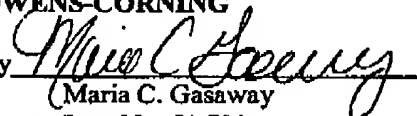
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to credit overpayment, or charge any missing payment or deficiency for fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly including extension of time fees, to Deposit Account No. 50-0568.

Respectfully submitted,

OWENS-CORNING

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